



RETURN

(IN PART)

To an Address of the HOUSE OF COMMONS, dated 19th March, 1873; For Copies of all Reports from the Land Commissioner in Manitoba, regarding the sale or location of lands in that Province; all Reports from, or correspondence with, the Commissioner (or any other parties regarding the sale or location of lands in the Province); also for copies of the letter of resignation of Mr. Canavan, and all correspondence between Mr. Canavan and the Government; also, all correspondence with the Government of Manitoba on the subject of the complaints against the management of the Land Office in that Province

By Command.

J. C. AIKINS,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,

17th April, 1873.

DEPARTMENT OF STATE FOR CANADA,

DOMINION LANDS BRANCH,

OTTAWA, August 28th, 1871.

SIR,—Referring to your late appointment as Agent of Dominion Lands for the Province of Manitoba, I have the honor in relation thereto, by the direction of the Honorable the Secretary of State for Canada, to convey to you the following instructions.

1. A set of books embodying forms for the registering of entries and applications to purchase claims and counter claims, sales, receipt and distribution of patent deeds, and other routine appertaining to your office will be required, and they should be, as far as possible, simple and comprehensive. You will be good enough to give this matter your early attention and having obtained a knowledge of the forms used in the United States Land Office, which may be done as you pass through Minnesota *en route* to your agency, you will report such a set of forms as you would recommend for Manitoba, and upon adoption a supply will be printed, bound, and sent to you.

2. A copy of each of the respective Orders in Council, dated the 25th April and 26th May (a further supply of which is provided for distribution in your agency), is enclosed. As these Orders in Council embody the policy of the Government in the administration

of the public lands, so far as the same has been decided on, you will be strictly governed thereby, referring any question for the settlement of which they may not sufficiently provide to this Department for instructions.

3. It has come to the knowledge of this Department that the principal portion if not all the lumber consumed in the province is manufactured from timber cut on the public domain, without leave or license, and in view of the interests of the Dominion, as also contributing to the settlement of the Province by facilitating trade in lumber, the necessity of dealing with the question of timber by sale or lease, will speedily be forced on the Government.

In order, therefore, to be able to deal with the subject you are requested, as soon after your arrival in the Province as possible, to report—

1. An approximate estimate of the sawn lumber consumed in the Province during the current season and the localities, and proportionate quantity from each locality, from whence the timber for the same may have been obtained, as also the ruling price of such lumber in the settlement. 2nd. Describing, as nearly as may be practicable without actual survey, the districts where merchantable timber, available for use in Manitoba, exists, and the kinds and quality of the same; and 3rdly, recommending such a system by sale or lease or both, with scale of prices to be paid by the purchaser or lessee as may appear to you best calculated to serve the public interests, and at the same time tend to cheapen, as far as possible, the cost of lumber to settlers. To do this it will be necessary to send parties, or where practicable to visit yourself, to investigate these localities where timber in quantities may be said to be found.

You will make a point of consulting Lieutenant Governor Archibald, who will probably have given some attention to the question, and will doubtless be glad to give you the benefit of his advice thereon.

Mr. Lindsay Russell also, who has been placed in charge of the surveys in Manitoba for the current season, will be communicated with, and instructed to give you all the aid and assistance in his power to enable you to acquire the necessary information on this important subject.

Further instructions will be conveyed to you, from time to time, as the business of the agency becomes developed.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

J. L. DENNIS,

Surveyor General.

Gilbert McMicken, Esq.,

Agent, Dominion Lands for Manitoba,

Ottawa.

MEMORANDUM ON THE SUBJECT OF THE PUBLIC LANDS IN THE PROVINCE OF MANITOBA.

Approved by His Excellency the Governor General in Council on the 25th April, 1871.

SYSTEM OF SURVEY.

1. The system shall be rectangular.
2. The Townships shall consist of 36 Sections of one mile square each, and road allowances, in all cases $1\frac{1}{2}$ chains in width, shall be set out and allowed between all Townships and Sections. Sections shall be numbered as shown in the following diagram:

N					
31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1
S					

3. The International boundary shall form the base for Townships 1 and 2.

4. The East and West lines, between Townships 4 and 5, 8 and 9, 12 and 13, and 16 and 17, shall be base lines or standard parallels in the system.

5. The meridian line run in the Autumn of 1869, for some 90 miles north from the International boundary, and known as the "Winnipeg Meridian," shall be adopted and continued as the meridian from which the ranges of Townships shall number East and West in the Province.

6. The "jog" resulting from convergence of meridians shall be allowed and set out on the following lines, that is to say:—

For Townships	1, 2, 3 and 4	on line between Townships 2 and 3
" "	5, 6, 7 " 8	" " " 6 " 7
" "	9, 10, 11 " 12	" " " 10 " 11
" "	13, 14, 15 " 16	" " " 14 " 15

7. In the survey of any and every Township the deficiency or surplus, as the case may be, resulting from convergence of meridians, shall be set out and allowed in the quarter section on the west boundary—the area of which shall in the survey be returned accordingly at their actual contents.

DISTRIBUTION OF THE 1,400,000 ACRES APPROPRIATED UNDER THE MANITOBA ACT FOR THE BENEFIT OF THE FAMILIES OF THE HALF-BREDS.

1. Every half-breed resident in the Province of Manitoba at the time of the transfer thereof to Canada, (the fifteenth day of July A.D. 1870,) and every child of every such half-breed resident, shall be entitled to participate in the 1,400,000 acres.

2. The most liberal construction shall be put on the word *resident*.

3. No conditions of settlement shall be imposed in grants made to half-breeds in pursuance of the provisions of the Act referred to, and there shall be no other restrictions as to their power of dealing with their lands, when granted, than those which the laws of Manitoba may prescribe.

4. The Lieutenant-Governor of Manitoba shall designate the Townships or parts of Townships in which the allotments to the half-breeds shall be made.

5. The mode of allotting these lands shall be as follows:—

A. If not already obtained, an accurate Census shall be taken to determine the number of persons who may be entitled to participate.

B. Upon such Census the number of acres to which each may be entitled shall be ascertained.

C. The number and area of individual grants having been ascertained, the land selected by the Lieutenant-Governor for the purpose shall be divided accordingly.

D. Tickets shall be prepared, say on some such form as the following: each to contain thereon a description of the lands intended to satisfy the particular claim for which it may happen to be drawn.

Claim No. 10 (allotment of 1,400,000 acres, Manitoba.) Description of Lands. S.E. $\frac{1}{4}$ Sec. 14, Tp. 5, 3rd R.W. 160 acres. (Lt.-Gov. initials) A. G. A.

A book of record shall be prepared also, in which the names and particulars (see form suggested below) of all admitted claims shall be entered and consecutively numbered.

E. Everything being prepared, the tickets may be put into a box, and the Lieutenant-Governor shall draw them at random. As drawn they shall be numbered and initialled by the Lieutenant-Governor in regular consecutive order, and the land described on a ticket of a certain number shall go in satisfaction of the claim of corresponding number in the Register of Claims, and be entered accordingly.

6. Claimants of the age of 18 and over shall receive their patents without unnecessary delay; and minors on arriving at that age.

7. Recorded claims, when the claimant dies before being entitled by arriving at the age of 18 to receive a patent, shall be deemed real estate, and shall descend according to the laws from time to time in force in the Province of Manitoba. There can be no distinction of sex in making the allotment.

RECORD OF CLAIMS—Allotment of 1,400,000 acres set apart by Manitoba Act.

No. of Claim.	PARTICULARS OF CLAIMANTS.				Description of Land Drawn.			Date of Patent.	To whom issued.	REMARKS.
	Name.	Parish.	Occupat'n	Age on day of..	Township.	Section.	Acres.			

SETTLEMENT OF CROWN LANDS.

The provisions hereinafter contained shall only apply to lands which shall have been surveyed.

Unappropriated public lands shall, until further directions, be opened for sale at the rate of one dollar an acre, but no sale of more than a section shall be made to any one person.

Payments for lands, whether purchased in virtue of pre-emption rights or in the ordinary manner, shall be made in cash.

Pre-emption Rights.

Any person being the head of a family, or a single man above the age of twenty-one years, who has made or shall hereafter make a settlement in person on public lands, and who has inhabited and improved the same, and who has erected or shall erect a dwelling thereon, may have himself entered with the *land officer* of the Division in which such land is, for any number of acres not exceeding 160 or a quarter section of land, to include the residence of the claimant; and being a subject of Her Majesty by birth or naturalization, may obtain a patent therefor, upon paying to the Crown the price of such lands.

When two or more persons have settled on the same quarter section of land, the right of pre-emption shall be in him who made the first settlement.

Questions as to the right of pre-emption arising between different settlers, shall be settled by the *Land Officer* of the Division in which the land is situated.

Before the right of pre-emption may be exercised, proof of settlement and improvement shall be made to the Land Officer by the affidavit of the claimant and the testimony of two credible witnesses.

All assignments and transfers of pre-emption rights, prior to the issuing of the patent, are null and void.

Before any person shall be allowed to be entered for lands, and obtain the right of pre-emption in respect thereof, he shall make oath before the Land Officer of the Division in which the land lies that he has never had the benefit of any right of pre-emption under these regulations—that he has not settled on and improved the lands with a view to selling them on speculation, but in good faith for his own use and benefit.

The person who receives the oath shall file a certificate thereof in the Land Office for the Division, which shall be evidence that such oath was duly administered. In case a person entitled to claim pre-emption rights, dies before giving effect to his claim, the representatives of the deceased person may complete the same. But the entry in such case shall be made in favor of "the Heirs" of the deceased person, and the patent shall issue, and the title shall endure to the heirs as if their names had been specially mentioned.

Homestead Rights.

1. Any person who is the head of a family, or has attained the age of twenty-one years, shall, after the first day of May, 1871, be entitled to be entered for one quarter section or a less quantity of unappropriated public lands, for the purpose of securing a homestead right in respect thereof.

Each officer and man, who is or has been in the first or Ontario, or in the second Quebec Battalion of Rifles, now stationed in Manitoba (whether in the service or depot companies, and who has not been dismissed therefrom), shall be entitled to a free grant, without actual residence, of one quarter section.

No other person shall be entitled to more than one homestead right.

Persons owning and occupying lands may be entered for other land lying contiguous to their land, but the whole extent of land, including that previously owned and occupied, must not exceed 160 acres.

A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit that he is over 21 years of age, and that the application is made for his exclusive use and benefit, and that the entry is made for the purpose of actual settlement.

Upon making this affidavit, and filing it with the land officer, and on payment to him of \$10 (for which he shall receive a receipt from the officer), he shall be permitted to enter the land specified in the application.

In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required, but *bond fide* improvement and cultivation of it must be shewn for the period by these regulations.

No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it.

At the expiration of three years, or within two years thereafter, the settler or his widow, her heirs or devisees, upon proof, to the satisfaction of the land officer, that he or they have resided upon or cultivated the land for the three years next after the filing of the affidavit for entry, and upon his or their affidavit that no part of the land has been alienated, the settler, or his representatives, shall be entitled to a patent for the land. Provided such patentee is then a subject of Her Majesty by birth or naturalization.

When both parents die, leaving a child or children under age, the executors or guardians may sell the lands for the benefit of the infant child or children, but for no other purpose.

The purchaser, in such case, shall acquire the absolute title by the purchase, and be entitled to obtain a patent for the land from the Crown upon payment of the office fees, &c.

The title to lands to be acquired under the above provisions, remains in the Crown until the issue of the patent therefor, and such lands are not therefore liable to be taken in execution before the issue of the patent.

In case it is proved to the satisfaction of the land officer that the settler has abandoned the land entered by him, for more than six months at any time, then the land shall revert to the Crown.

Any person who has availed himself of the foregoing provisions may, at any time, before the expiration of the three years obtain a patent for the land entered upon by him on paying the pre-emption price thereof, and making proof of settlement and cultivation from the date of entry to the time of payment.

Proof of actual settlement and cultivation is made by the affidavit of the claimant made before the proper land officer, corroborated by the testimony of two credible witnesses.

All assignments and transfers of homestead rights prior to the issuing of the patent are null and void, but will be deemed *prima facie* evidence of abandonment and give cause for the cancellation of the claim.

A settler relinquishing or abandoning his claim cannot thereafter make a second entry.

A person who has settled on a tract, and filed his application for pre-emption right, may at any time substitute therefor an application for a homestead right.

Exemption of Certain Lands.

The following lands shall not be the subjects of pre-emption or homestead rights, nor of ordinary sales under these regulations:—

Lands allotted to the Hudson's Bay Company under the terms of the transfer of the North-West Territory to Canada.

Lands reserved for schools.

Wood lands set apart as such, for supplying settlers with building materials, fuel and fencing, and pine lands.

Portions of the public lands selected as the sites of towns or villages.

Lands actually settled and occupied for the purposes of trade.

Mineral lands.

Mill sites.

Reservation for Inter-Oceanic Railway.

At any time after the first day of May, A.D. 1874, the Governor in Council may, subject to then existing rights, withdraw from the operation of the above system, land to the width of three full Townships on each side of the line finally sanctioned for the Inter-Oceanic Railway, and may also terminate, after the same day, the free homestead system above provided for.



NORTH WEST TERRITORIES.

After the fifteenth day of June next, emigrants will be sent to Fort Garry, at the following rates:—

Toronto to Fort William: Adults, \$5; Children under 12, half-price. 150 lbs. personal baggage, free. Extra luggage, 35cts per 100 lbs.

Fort William to Fort Garry: Emigrants, \$25; Children, under 12, half-price. 150 lbs. personal luggage, free. Extra luggage, \$1.50 per 100 lbs. (No horses, oxen, or heavy farming implements can be taken.)

MODE OF CONVEYANCE.

96 miles by railroad from Toronto to Collingwood, 532 miles by steamer from Collingwood to Fort William, 45 miles by wagon from Fort William to Shebandowan Lake, 310 miles broken navigation in open boats from Shebandowan Lake to north-west angle of Lake of the Woods, 95 miles by cart and wagon from north-west angle, Lake of the Woods to Fort Garry.

Between Fort William and Fort Garry, huts and tents will be provided for the accommodation of emigrants on the portages. Passengers should take their own supplies. Provisions will, however, be furnished at cost price, at Shebandowan Lake, Fort Frances, and the north-west angle, Lake of the Woods.

F. BRAUN,
Secretary.

DEPARTMENT OF PUBLIC WORKS,
OTTAWA, 1st April, 1871.

UNSURVEYED LANDS OF MANITOBA.

EXTRACT OF AN ORDER IN COUNCIL, DATED 26TH MAY, 1871.

WHEREAS the public Survey of Manitoba cannot be effected in time to facilitate settlement on the lands by the numerous parties now in, and those about emigrating to that Province, and it is deemed expedient temporarily to countenance settlements being made in advance of such survey,

NOTICE IS HEREBY GIVEN,

2. That parties found upon the lands at the time of survey, having settled upon and improved the same in good faith as settlers under the land regulations, will be protected in the enjoyment thereof, whether the same be pre-emption or homestead right, provided they respectively enter for such right with the land officer, and otherwise carry out the provisions of the said regulations in that behalf, within three months after the survey shall have been made.

2. That in settling on the lands, parties will require to bear in mind the system of survey adopted, by which the lines run due East and West, and North and South and the 160 acres or quarter section is an exact square of half-a-mile each way, under which system alone, pre-emption or homestead rights; based upon settlement previous to survey will be recognized.

J. C. AIKINS,
Secretary of State.

DEPARTMENT OF THE
SECRETARY OF STATE OF CANADA,
Ottawa, 31st May, 1871.

OFFICE OF DOMINION LANDS,
WINNIPEG, 6th July, 1872.

SIR,—I beg leave to report to you that, having received from the Surveyor General by mail on Saturday last, a certified copy of the Land Act, I commenced to receive for-mail applications for homestead entries and for purchase of lands.

I enclose herewith the blank forms (specimens of) which I procured here for use until supplied from Ottawa, or otherwise instructed in reference thereto, viz. :—

1st. Application for a Homestead Right.

2nd. Application to purchase.

3rd. Affidavit of Applicant for Homestead Right.

4th. Interim receipt to Purchaser.

5th. Receipt to Homestead Applicant and with them is one of the Hand-bills or Posters, containing the full text of the 33rd clause of the Act relating to Homestead Rights.

I have made absolute sale of lands amounting to three and one quarter sections, cash for same being.....\$2,080

and have received on entries for Homestead Rights 80

\$2,160

Amount deposited to credit of Dominion Lands with Receiver General.

Having written to the Surveyor General requesting to be furnished with a form of Return, and instructions as to the period when this should be made, I will therefore await advice in this behalf before making you a formal return.

In addition to the above statement of sales and homestead entries, I have applications to purchase about 5 sections and for 9 homestead entries.

The work has set in heavily, and I miss Mr. LaRivière or some one to perform his duties very much.

I have the honor, &c.,

(Signed,)

G. McMICKEN,
Agent, Dominion Lands.

The Honorable J. C. Aikins,
Secretary of State, Ottawa.

OFFICE DOMINION LANDS,

WINNIPEG, 5th August, 1872.

SIR,—I beg leave to forward herewith, and to solicit your attention to—a letter addressed by the property owners on Point Douglas to me in reference to their obtaining a title or some assurance in reference thereto for the tract of land in rear of the Point known as “The Common.”

This being the only section where people of moderate means have been or are yet able to get lots for building upon, it has been availed of very largely, and the houses built already and in course of erection now are really very numerous.

Great difficulty in regard to the title while it is not understood what the action of the Department will be concerning it exists, and tends to disturb the minds of the occupants and retards improvement.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

G. McMICKEN,
Agent, Dominion Lands.

J. S. Dennis Esq.,
Surveyor General, Ottawa.

WINNIPEG, 1st August, 1872.

G. McMicken, Esq.,
Agent Dominion Lands, Winnipeg.

DEAR SIR,—I am instructed by the committee of property owners on Point Douglas to write you in reference to their obtaining a title for the tract of land in rear of Point Douglas known as the Common.

As you are aware this Common was reserved by Lord Selkirk for the benefit of the lot owners on the point—the lots there being exceedingly small, and the exclusive right of these parties to the enjoyment of the Common was confirmed by the Government of Assiniboia up to the time of the establishment of the Province of Manitoba.—The Point

Douglas people have always and still exclusively use this tract of land as a hay ground and pasture, and latterly a demand for building lots having arisen in that locality, they have disposed of a number of lots on the Common, which in many instances have already been built on by the purchasers. Had they been in a position to give a good title they could have disposed of many more lots, and the present position of the matter is exceedingly unsatisfactory both to the Point Douglas owners and the purchasers of building lots. It has all along been understood that the Dominion Government would grant the property on this common to those for whose benefit it was originally reserved, and it was on this belief that the building lots were disposed of.

The extent and boundaries of the Common and the names of the owners of the different lots on the Point; are, I believe, shown on the maps of the Provincial Survey. I may mention that it has been agreed among the parties that all shall have the same interest in the Common without regard to difference in size of the original lots. A Committee consisting of the following gentlemen, viz.: Hon. John Sutherland, John H. McTavish, Walter R. Brown, E. L. Barber, and W. A. Fousua, have been appointed to attend to the matter on behalf of the parties interested, and all are anxious to have it definitely settled, the Committee therefore hope that you will at an early date bring the matter before the Dominion Government, and also that you yourself will, after looking into the question, be able to recommend that the fee simple of the Common be granted to those who had the enjoyment of the right of Common; should the Government decide to do this some other minor points connected with the issuing of the Patent &c., can be afterwards arranged.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

JOHN F. BAIN,
Solicitor for Committee.

OFFICE OF DOMINION LANDS,

WINNIPEG, 30th August, 1872.

SIR,—I have the honor to report in regard to the reference of the letter of John F. Bain, on behalf of the property owners at Point Douglas and per your instructions of 13th instant, concerning the same as to the policy or expediency of granting the request of the applicants and whether same is a just claim.

I have made diligent enquiry into the original titles of the different lots into which the Point was originally subdivided, and the earliest record of title that exists I herewith send you a correct copy of. The record from which this was copied, is the one from which the Hudson Bay Company's Register was compiled, and is accepted here by all landholders and the authorities, as a final reference into original title. It will be observed that in the several and respective descriptions of the lots, no right or privilege of any kind is given beyond the metes and bounds therein expressed.

There is no record to show any right conferred at any subsequent period by the Hudson Bay Company or other authority, and none, so far as I have been able to ascertain, is set forth by the claimants themselves.

I think it is very clear that the only ground of claim they have, or indeed that they can urge, is the old general right or supposed right of Common, in common with all the inhabitants of the country previous to the transfer to Canada.

The claim then preferred by the present owners is only a just one, so far as the right of common extends, and to be commuted for as is provided by the 5th sub-section of the 32nd section of the Manitoba Act.

I have also procured and herewith send you a tracing of the Point, to which please be referred.

The point on the travelled road marked "O" (in red pencil) to the mark "O" in same on the extreme point, is 89 chains.

From the marks (x), on each side of the travelled road northerly to the corresponding marks southerly on same road, is about 16¹/₂ chains—this, however, is not by measurement, but an estimate—and on this road along this distance there are a number of buildings erected, and others in course of erection, with a few westward of the road line. The proprietors have considerable space surveyed and laid off into village lots; but how far to the westward of the road their survey extends I am not informed.

The letter T indicates approximately where a small dwelling-house stands, erected by Mr. John H. McTavish, previous to the transfer. It is occupied at a rental of \$60 per annum, but there is no fencing around it: it stands out on the open common. Mr. McTavish claims that he had a certain portion fenced in two years ago, and that his occupancy was with the sanction and consent of the Hudson Bay Company.

To this undefined and uncertain area, I apprehend Mr. McTavish has a claim, under sub-section 3 of the 32nd Section of the Manitoba Act; or, failing to show what might be held as the license of the Company attended to in said sub-section, then he would claim the right of pre-emption under the following sub-section (4).

As I intimated in a former communication, the uncertainty of title disturbs the minds of those persons who have bought lots from the Point proprietors, who now profess to hold the Common in common; and improvement is retarded. An early decision by the Department is therefore desirable.

I would recommend, in view of all the circumstances past and present, that title be confirmed on all sales to persons who have purchased in good faith, and improved the property by building or fencing and actual cultivation. In no case should the area exceed half an acre, and, as a rule, the lots of such size as they were described being less than that area.

To carry out this view, a survey should be made forthwith, determining the parcels so situated, and laying off others for immediate sale.

The claim of Mr. McTavish could be determined by proof of the extent he had under fence, which I presume was only a part of an acre, and the preemption terms might be fixed at the upset price to be put on the lots in the vicinity thereof when offered for sale by the Department.

If this view should receive your favorable consideration, I would further recommend that the survey of town lots be extended west of the travelled road, the front tiers being laid off in lots of about a quarter of an acre each,—enlarging them as they run westward beyond the second tier or range—and the remainder surveyed into park lots of 5 and 10 acres. The whole to be offered for sale by public auction at an early day at a reasonable upset price.

In my opinion such a disposition as I have recommended is very liberal towards the property holders, and in reality compensates in excess of any claim they can possibly have for either the hay privilege or right of Common—the latter right being in my view merely an ideal one—if one at all, equally open to all the inhabitants of the lands, in time past, present and to come, so long as any open prairie or common exists, and no restrictions to grazing imposed.

Should the bridge connecting with the "Dawson Road" cross the Red River at the Point, and I think it should—as the river there would be easier spanned—a considerable distance saved in reaching the town and expense of construction of so much of the road be economized, the lots recommended to be laid out would be readily sold and numerous buildings be erected thereon forthwith,

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed,)

G. McMICKEN,
Agent, Dominion Lands.

J. S. Dennis, Esq.,
Surveyor General, Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,
DOMINION LANDS OFFICE,
OTTAWA, 19th October, 1872.

SIR,—Referring to your letter of the 5th instant, and in reply to the several matters contained in the same, I have the honor to state.

In reference to the unoccupied and unclaimed lands within the four mile settlement Belt, on the Red and Assiniboine Rivers, the intention is, as soon as ever the survey is completed, to notify the public of such lands being in the market for sale on the same terms and conditions as other Government lands. And in the meantime, in case any specific applications may be made to purchase so long as the land desired is sufficiently covered by the description, and such applications are not inconsistent with the Dominion Lands Act, the same will receive consideration.

As to the Douglas Point Common proceedings, it is thought expedient to defer for a time the completion of the survey, and the sale in consequence of the representations of parties who claim to have a right to the land. These parties have, through the Honorable J. Sutherland and through Dr. Schultz M. P., asked to have matters delayed until they could forward proofs of their claims. This they have been requested to do *through you* in order that you may report on the evidence as the same may pass through your hands.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) J. S. DENNIS
Surveyor General.

G. McMicken, Esq.,
Dominion Lands Agent,
Winnipeg, Manitoba.

G. McMicken, Esq.,
Agent, Dominion Lands.

DEAR MR. McMICKEN,—The application contained in reference (1,130) is an important matter, involving as it does much valuable land, and this office is not in a position to deal with it in the absence of your report and remarks on its merit.

I candidly confess that until I have seen more than I have yet seen to convince me that the land in question was intended by the Hudson Bay Company to exist as appurtenant (*in the shape of an easement to be enjoyed exclusively for all times by the owners,*) to the small lots granted by the Company at Point Douglas, I should not feel justified in recommending to the Secretary of State that the application in question should be complied with.

Always truly yours,
J. S. DENNIS.
Surveyor General.

OFFICE DOMINION LANDS,
WINNIPEG, 5th August, 1872.

SIR,—Frequently applications are made at this office for right to occupy—by homestead, entry, or purchase—locations of unoccupied lands on the Red River and the Assiniboine, I am at a loss what to give as a reply, having had no instructions concerning the disposal of such lands. Will you please, for my guidance, inform me fully on this point; please bear in mind that it is quite possible and probable too, that in many instances the location sought has some wood or timber in considerable quantities beyond the ordinary homestead allowance upon it. How would it do to dispose of such by auction, and, in meantime, give notice preventing occupation?

I give you copy of a letter recently received, as a sample of application also frequently made to me, and will be glad to be instructed concerning the points raised.

"NORTH PEMBINA,
21st July, 1872.

SIR,—I lately purchased from an Indian near here, his right to land, which he has occupied and improved continuously from time immemorial, and upon which he has a good log house erected, and a large enclosure in crop. I have received from him a regular deed of conveyance, with full covenants, &c.

Would you have the goodness to inform me briefly whether under said deed, I have a right to the same quantities of land, as if bought from a half-breed settler under similar circumstances, viz., 10 chains frontage and 2 miles back, or if I will have to repurchase the land from the Government."

It has occurred to my mind as a very desirable thing that the south-east quarter of Section 24, Township 11, Range 2, East, should be retained by the Department, and enclosed as hay and pasturage grounds for the horses now kept here. I have had several applications for it, but have retained it with this object in view. A good many sections in the south-east corner of this Township have been disposed of by homestead entry and sale, a statement of which I am only awaiting the receipt of blank forms to render to you, and the balance of the Township is now withdrawn by the Lieut.-Governor on behalf of the grant to the half-breed residents of St. James Parish. I think the Lieut.-Governor will, in the course of this week, have completed his selection of Townships and parts of Townships for the distribution of the half-breed grant, and I will at once send you a statement of the selections made. So far, I am happy to say, all appears very satisfactory to all classes.

I have the honor to be, Sir,

Your obedient servant,

G. McMICKEN,
Agent Dominion Lands.

J. S. Dennis, Esq.,
Surveyor General,
Ottawa.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,

DOMINION LANDS OFFICE,

OTTAWA, 16th August, 1872.

SIR,—In reference to your letter of the 5th instant, I have the honor to inform you, 1st. As to the request to occupy by homestead entry or purchase, locations of unoccupied lands on the Red and Assiniboine Rivers.

These lands are not yet laid out and are not therefore in a position to be dealt with, and until the surveys thereof, now progressing, are completed and approved, and the policy of the Department in relation to these lands promulgated, parties settling thereon do so at their own risk.

2. In reference to the point raised regarding the value of a claim preferred through purchase from an Indian in illustration of which the copy of an application to you is forwarded, I am directed to say that this Department will not recognize such a transfer as conveying in itself any special claim to the property as a homestead or an exclusive right to purchase the same at the ordinary price of Dominion Lands.

3. Regarding your action in withholding from occupation or sale for the present the south-east quarter of Section 24, Township 11, Range 2, East, for the purpose of pasturage for the horses in use by the Government, the same is approved.

4. The assurance contained in your letter as to the effect on the public mind in the Province, of the steps so far taken towards the selection of the half-breed lands is very satisfactory.

I have the honor to be, Sir,

Your obedient servant,

(Signed),

J. S. DENNIS,
Surveyor General.

G. McMicken, Esq.,
Agent Dominion Lands,
Winnipeg, Manitoba.

OFFICE OF DOMINION LANDS,
WINNIPEG, 21st August, 1872.

SIR,—I have the honor to transmit herewith a Petition of *Charles H. House and others*, residents and landholders at Portage La Prairie, with accompanying documents, received only yesterday.

The lands referred to in the Petition as having been entered by a stranger are, 1st, the north-east quarter section of Section 2, in Township 12, Range 7, west, entered as a homestead right by Alexander Henderson; 2nd, the north-west quarter of same section purchased by the said Alexander Henderson. I am not aware of any other entries being objected to. Henderson is an active, energetic settler, and made application for these quarter sections without any knowledge whatever of any existing claim. I also, on my part, judging from the map, and again upon subsequent inquiry at the Survey Office, had no idea of the possibility of any claim being made upon them; they were open prairie lots over which I had passed but a few weeks previous to Henderson's application, and the map only shews improvements, and they are in reality very trifling, running up with the south-east and south-west quarter of Section 1, only upon the south-east quarter of Section 2.

Whatever consideration may be given to the claims of the petitioners, it was not until after Henderson had commenced improving the lands that any intimation of claim was given to me by any of the petitioners.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed), G. McMICKEN,
Agent Dominion Lands.

The Honorable J. C. Aikins,
Secretary of State, Ottawa.

To the Honorable J. C. Aikins, Secretary of State for Canada.

The Petition of the undersigned respectfully sheweth:

That they are all residents and land holders at Portage La Prairie, County of Marquette, in the Province of Manitoba. That some of them have been residents here for a period of twenty years. That the lands which they occupy surround the supposed former bed of the River Assiniboine known here as the "Slough," and which forms a partially submerged trough or ditch around the Island shown in the Map, issued under the authority of the Secretary of State. That the settlement here was formed many years ago under the auspices of the Venerable Archdeacon Cochrane, and that the various claims were appropriated in accordance with the ancient custom of the country, viz. in narrow frontages with a depth of two miles—a custom appropriate to an Indian country where settlers carried their lives in their hands, and consequently desired, for the purpose of self protection, to be grouped closely together. That eastward of this point the claims were taken up along the bank of the River Assiniboine until the "Slough" or ancient

bed of the river prevented further extensions along it. That to furnish the additional settlers with prairie claims, the locations were made to skirt the northern rim of the ditch or "Slough" aforesaid with a depth of two miles from it, and frontages varying from four to twelve chains, until the main river was again reached, when the locations were made as before.

That about ten years ago the Governor and Council of Assiniboine, in order to define the boundaries of the settlers at Portage La Prairie, authorized H. L. Sabine, one of the two surveyors for the District of Assiniboine to proceed to the Portage and make a survey of said lots. That he did so, and that the boundaries then established have been religiously respected and acknowledged by the settlers ever since. That as a proof that this disposition of the claim situated around the Island was valid and final, the Hudson's Bay Co. shortly afterwards purchased two farms from original letters upon one of which are now situated their stores and warehouses, with other improvements. That numbers of the claims have subsequently changed hands, as high a sum as eighty pounds sterling having been paid for a claim fronting the ditch, and that there never has been any doubt in the mind of settlers or purchasers, as to the validity of their claims and the soundness of their title.

The petition of the undersigned furthermore sheweth that they are all occupants from a period anterior to the transfer of this country to the Dominion of Canada. That when a Surveyor was sent here to make a settlement survey, the undersigned whose affidavits are hereto attached, together with others, whose affidavits, from absence, could not be taken, were careful to notify the Settlement Surveyor that the settlers here claimed two miles northward from the ditch. That notwithstanding this frequent notification, the surveyed southern boundary line of the Township lying north of this place was drawn more than a mile within the two mile limit, in some places cutting off improvements made by the settlers. That the undersigned, ignorant of this disposition of their lands, made no inquiry at the Land Office touching their claim, and entertaining not the least suspicion that this interference with their rights had been perpetrated, were astounded when it became known a homestead had been entered by a stranger at least a mile within the limits of the lands owned by a settler opposite the Island; and that all the lands which lay in a line with the said homestead were open for sale or occupation under the homestead clauses of the Dominion Lands Act as if the said lands had never previously been occupied.

That the rights of the undersigned are by this survey and proposed sale utterly disregarded and set at naught; that the authority of the old Council of Assiniboia, and the survey of our lands made by one of its surveyors has been set at naught, and that the rights of all concerned and interested in these lands have been violated.

The undersigned take occasion respectfully to represent that setting aside the ancient rights and privileges which are theirs, and granting for arguments sake, that they are not seized in their lands under lawful authority previously to the transfer to the Dominion of Canada, they are yet entitled to their lands as homesteads under the Order in Council of last summer, which provided for the protection of the settlers in his lands until such time as surveys were made. That under this regulation they have a perfect right to their homesteads here, and that as under the Common Law they became possessed of claims having a narrow frontage with a depth of two miles, the Order in Council must in effect cover their claims in the manner in which they were originally taken.

That in this view of it many of the undersigned might justly look to the Dominion Government for an additional appropriation, inasmuch as some of them have frontages of from four to six and a half chains, which, with the depth of one hundred and eighty chains will not give them anything like the acreage proposed by the homestead clauses of the Dominion Lands Act. That finally they do not claim under the Dominion Lands Act at all, but by rights of occupation and purchase previous to the transfer, and in many cases long previous to the confederation of the Provinces. That they look to the Dominion Government for justice, not only as old settlers, but in the newest aspect of the Land Regulations. That so far they believe that their rights have been violated

through the neglect or carelessness of the settlement surveyor, and consequently the ignorance of the Dominion Lands Agent, who has permitted our property to be Homestead, believing honestly that the map submitted for his guidance was correct.

CHAS. H. HOUSE,
ALEX. ANDERSON,
JAMES SPENCER LYNCH, M.D.,
FRED. A. BIRD, M.P.P.,
WILLIAM GADDY,
JOHN McLEAN & ALEXANDER McLEAN,
CHARLES CUMMIN, Jun.,
CHARLES MAIR,
GAVIN H. GARRIOCH,
HAMILTON GARRIOCH,

WILLIAM GARRIOCH,
WILLIAM SINCLAIR,
MALCOLM CUMMING,
WILLIAM HODGSON,
JOHN D. MCKAY,
CHAS. CURTIS,
CHARLES CUMMING, Jun.,
JOHN GARRIOCH (for G. A.
GARRIOCH, his son),
JOSHUA M. HOUSE.

HEADINGLY, June 13th, 1872.

Upon the application of Messrs. John Connor and Charles Mair, residents and land owners at Portage La Prairie, who have referred to me for information regarding a survey made by me some years ago, and previous to the transfer, I have to say, that acting under the authority of the Governor and Council of Assiniboia, and having been requested by various settlers at the Portage settlement, I went there to make a survey of the claims lying north of the "Slough," supposed to be the former bed of the Assiniboia river. I made the survey under said authority, and understood at the time that the frontage of said lots lay upon the slough or supposed old channel of the river, and extended a distance of two miles, in common with lots which fronted upon the present bed of the river.

It is, moreover, within my knowledge that the Hudson's Bay Company recognised said disposition of the lands lying against the aforesaid old channel or Slough, and themselves purchased lands from original occupants, upon a part of which are now situated their buildings and place of business, with improvements. I would therefore advise that the rights and privileges of all persons claiming lands under original occupation or transfer should be confirmed in the same, irrespective of any change which may have been made or any alteration, through ignorance, of the original survey.

(Signed,)

H. L. LAVINE,
Surveyor.

Personally appeared before me, William Garrioch, one of Her Majesty's Justices of the Peace, in and for the County of Marquette, in the Province of Manitoba, John Dugald McKay, one of the settlers opposite the "Island," so called, at Portage La Prairie, who makes oath and says, that last Fall, whilst Moses McFadden, Provincial Land Surveyor, was camped behind his place, he stated to the said Moses McFadden, that the claims of settlers fronting on the Island ran northward two miles from the "Slough" which surrounds said Island.

(Signed,)

J. DUGAL MCKAY.

Sworn and subscribed this 17th June, }
1872, before me,
(Signed,)

WILLIAM GARRIOCH, J.P.

Personally appeared before me, William Garrioch, one of Her Majesty's Justices of the Peace, in and for the County of Marquette, in the Province of Manitoba, Charles Curtis, one of the settlers who occupies one of the claims fronting the "Slough" at Portage La Prairie, who makes oath and says, that last Fall, he had a conversation with

Moses McFadden, Provincial Land Surveyor, regarding the depth of the lots which front upon the "Slough"; he then told Mr. McFadden that the settlers claims on said lot extended back a distance of two miles from the "Slough" aforesaid, surrounding the Island, and that all the settlers commenced their lines from said "Slough." That Mr. McFadden then stated to him, that he and other settlers around the Island had a right to a depth of two miles, they being old settlers.

(Signed,) CHAS. CURTIS.

Sworn and subscribed in the presence of

June 17th, 1872.

(Signed,) WILLIAM GARRIOCH, J.P.

Personally appeared before me, William Garrioch, one of Her Majesty's Justices of the Peace, in and for the County of Marquette, in the Province of Manitoba, Fredrick A. Bird, M.P.P., one of the settlers who occupy the claims fronting the "Slough" or supposed old bed of the Assiniboia river, surrounding the "Island"—so called—at Portage La Prairie, who makes oath and says, that last Fall, whilst Moses McFadden, Provincial Land Surveyor, was engaged upon the "settlement survey" in this neighborhood, he had a conversation with the said Moses McFadden regarding the extension of the claims which front the "Island" northward. That finding Mr. McFadden in Mr. McLean's house at this place, and in presence of Mr. Peter Garrioch, of White Mud river, and Mr. McLean also a settler opposite the "Island," he stated to Mr. McFadden that the claims of settlers extended back two miles from the "Slough" or old channel surrounding the "Island." That he was an old settler here, having occupied his claim for nearly twenty years; and that he hoped the Canadian Government in instituting a survey here, would not interfere with the rights of the people who had been occupants here so long. That Mr. McFadden then said, that he had no authority to over-ride any settler's claim, and that he believed the Government of Canada would respect the rights of old settlers.

(Signed,) F. A. BIRD.

Sworn and subscribed this 17th June, 1872,

before me,

(Signed,)

WILLIAM GARRIOCH, J.P.

QUIT CLAIM DEED.

Know all men by these Presents:

That I, Charles Demrais, of Portage La Prairie, in the District of Manitoba, British North West Territory, of the first part; and Charles Mair of the Town of Winnipeg, of the second part; for and in consideration of the sum of eighty pounds, sterling money of Great Britain, to me in hand paid by Charles Mair, of the Town of Winnipeg, in the District of Assinibofa, of the second part; the receipt whereof I do hereby acknowledge, have bargained, sold and quit claimed, and by these presents I do hereby bargain, sell and quit claim unto the said party of the second; his heirs, executors, administrators, and assigns for ever, all my right, title, interest, estate, claim and demand, both at law and in equity, and as well in possession as in expectancy of in and to all that certain piece or parcel of land situated at Portage La Prairie, in the District of Manitoba, containing a frontage of ten chains, and a depth of one hundred and sixty chains, on a course "being bounded on the west by the lot of land at present owned and occupied by Gavin Garrioch, and on the east by the lot of land at present owned and occupied by Charles Cummings, and on the south side by the "ditch" which surrounds the "Island" so called at Portage La Prairie, the rear or north side being bounded by the boundary common to the rear of the lots of land aforementioned, next above and below the quit claimed by these presents: to have and to hold the aforesaid lands with all and singular

the and appurtenances thereunto belonging forever : Subject, nevertheless, to whatever claims of the Indians may be recognized by the Crown, and which have not been extinguished, if such there may be. And further, if the said party of the first part will warrant the aforesaid land to the said party of the second part, his heirs executors, administrators and assigns, and behoof forever against the lawful claims of all persons claiming under

In Witness whereof, the parties of these presents have hereunto set their hands and seals, this second day of July, in the Year of Our Lord, One Thousand Eight Hundred and Sixty-nine.

(Signed)

CHARLES DEMARAIS.

Signed sealed and delivered in the presence of

(Signed) DR. SCHULTZ,
" JAS. STEWART,
" Witnesses.

I hereby agree to the above sale, having shared in the payment, and hereby quit claim, all my right, title and interest in the aforesaid property.

Signed, sealed and delivered on the day

and date mentioned in our presence.

(Signed)

FRANCIS DEMARAIS.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

DOMINION LANDS OFFICE, OTTAWA, 5th September, 1872.

SIR,—I have the honor, by direction of the Honorable the Secretary of State, to enclose you a memorandum of this date, containing his decision in the case of the petition of Charles H. House and others, of Portage La Prairie, forwarded with your official letter of the 21st, ultimo, and to request you to communicate the same to the Petitioners.

As regards the said memorandum, I am to request you further to notify the settler, Alexander Henderson, of the cancelling of the two entries made by him with the causes thereof—informing him, at the same time, that in consideration of the possible disappointment and inconvenience to him, involved in such measure, he will be allowed in selecting other lands in lieu of those formerly entered, a free grant of (say) half a quarter section in addition to his homestead.

I have the honor to be, Sir,

Your obedient servant,

G. McMicken, Esq.

Agent, Dominion Lands.

Manitoba.

(Signed)

J. S. DENNIS.

Surveyor General.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.

DOMINION LANDS OFFICE,

OTTAWA, 5th September, 1872.

Memorandum.

Referring to the petition of Charles H. House and others, landholders, adjoining and north of the former bed of the River Assiniboine, known as "The Slough," at Portage la Prairie, claiming that, under the authority of the Governor and Council of Assiniboia, their farms were some ten years back surveyed and laid out with narrow frontages on the said Slough; and extending a depth of two miles to the north thereof, in uniformity with the general principles recognized in the surveys of the four-mile belt upon the Red and Assiniboine Rivers; and stating that, in laying out the townships last year, the surveyor encroached upon and included in his surveys part of their lands; and that, under the provisions respecting Dominion Lands, a homestead right has been entered thereon, and the settler is now in possession, and praying that the Government may not

sanction the granting of any homestead or the sale of any portion of land within the two-mile belt above described, but protect the petitioners in the enjoyment of the several farms as originally laid out, &c. &c.,—the Honorable the Secretary of State has had the same under consideration.

It would appear from the remarks of the Agent of Dominion Lands accompanying the said petition, that, governed by the map provided him by this office, he has entertained an application for a *homestead entry*, and also a *sale*, covering part of the land in question, both to the same person, one Alex. Henderson.

The difficulty has doubtless arisen from the fact—

1. That the Surveyor who laid out the township would appear to have been under the impression that the farms adjoining the Slough extended southerly to the River Assiniboine, instead of northerly into the Prairie, and allowed his surveys to include part of the latter, at the time unoccupied, though now alleged to belong to the Settlement Belt.

2. That the surveys of the settlement around the Slough not having been computed and reported on by Mr. McFadden, and the point in question raised, till after the official map shewing the township surveys was published and distributed, the action of the Agent of Dominion Lands, in respect to the said homestead and sale, was fully justified.

The Secretary of State is of opinion, however, that the fact is established that the lands of the parties to the petition were originally laid with the narrow frontage, and depth of two miles, and that, although the actual farm improvements may in no case extend the full depth mentioned, still that the said farms should be held as of that depth back from the slough, and the several owners should be protected in the same in accordance therewith.

The Secretary of State has therefore directed that the said homestead entry and sale shall be cancelled, and that no further entries will be accepted of land falling within the said two-mile belt, or infringing on the same, and has instructed the Agent of Dominion Lands accordingly.

(Signed,)

J. S. DENNIS,
Surveyor General.

Gilbert McMicken, Esq.,
Agent Dominion Lands, Winnipeg,
Manitoba.

OFFICE OF DOMINION LANDS,
WINNIPEG, 28th September, 1872.

SIR,—I beg leave to transmit to you, for the consideration of the Honorable the Secretary of State for Canada, the enclosed communication of Mr. Robert Fletcher, claiming compensation for being dispossessed of the north east quarter section of Section 3, in Township 12, Range 7 West, which he had entered as a homestead claim in July last. The circumstances are the same as in the case of Alexander Henderson for the north east quarter of Section 2, in same Township and Range.

Henderson has been advised of the decision in his case, but as yet has made no communication to me on the subject.

I have the honor to be, Sir,

Your obedient servant,

G. McMICKEN,
Agent Dominion Lands.

J. S. Dennis, Esq.,
Surveyor General, Ottawa.

G. McMicken, Esq.,

WINNIPEG, MANITOBA,

Sept. 26th 1872.

Agent, Dominion Lands.

DEAR SIR,—Agreeably to your request, I submit for your consideration, a statement of the loss sustained by me through the operation of certain clauses of the Manitoba Act of Confederation relative to the north-east quarter of Sec. 3, Township 12, Range 7 West, which lot was properly entered by me in the Dominion Land Office for the Province, and of which I am about to be deprived or dispossessed, as before herein stated, by the operation of said Act.

In order that you may the more fully comprehend the case, allow me to state, that early in the spring of 1871 I left my home (near the City of Kingston, Ontario,) for the purpose of settling in this Province. On my journey hither, receiving information that a small portion only of the Province was surveyed, and that there was much difficulty in effecting a settlement, I concluded to remain in the State of Indiana one year. Shortly after arriving in that State, I obtained a situation as first Assistant Teacher at a salary of \$45.00 per month in a school where four teachers were employed—this was in the Town of Hebron, Porter Co. Indiana. Proposals were made to me by the trustee of said school to remain during the present year, at a salary of \$50.00 per month for the 1st half year, and \$65 per month for the second half year, which would have been an annual salary of nearly \$70. Now though this was a great inducement to me to remain in that State, yet wishing to enjoy British Institutions and citizenship, I set out early in the spring for this Province in order to settle in it.

As before stated, I selected the said lot which I properly entered as a homestead, and as far as possible improved the same, by ploughing about 12 acres, sinking a well about 10 feet, and stacking some 9 tons of hay on the premises, which was procured some 8 or 9 miles distant. Now since I wish to remain in the Province and prosecute farming as my occupation (in order to do which, I will be under the necessity of selecting other land that is vacant, which as far as I am aware from location and nature of soil, is not so valuable as the said lot by at least \$3 per acre), it is plain I have lost the present year, as I will be commencing next year as if I had not begun this year. And I will not only lose the year but will have lost the rise in value of the said lot for the year, which is at least \$3 per acre.

Now to be simply remunerated for actual cost of improvements of said lot would were it the cause of any settler in the Province, be considered a veritable insult. There, is not that individual (who is sane) in the Dominion who would undertake the toil, trouble, expense and privations of the first year's settlement for any such remuneration and especially so if dispossessed at the beginning of the most inclement season of the year. All such parties look forward to the rise in value of their land, and to the crops to be produced in order to be sufficiently remunerated. Of these I am about to be deprived on account of said Act. Not only will I lose the present year and rise in value on the land but shall lose \$50, from being obliged to purchase a team when they were very dear, in order to proceed with the settlement duties, which team or one as good might now be purchased for the said amount less than I paid.

Further, having built a shanty at a total cost of some \$45, in partnership with my neighbor, Mr. A. Henderson, I will lose half its cost or \$22.50 if not allowed to remove it, and if allowed to do so, I will lose at least \$10, from the lumber being cut and loss of nails. Wherefore the only reasonable (or I might say) just way to draw a statement of losses to be sustained by me in the event of being deprived of said lot (leaving the amount for the rise in value of the said lot and the addition or not of it to my claim at your own discretion) is,

For the loss of one years' time at least.....	\$500.00
Loss on purchasing Team.....	50.00
Probable loss on Shanty.....	22.50

Total loss..... \$572.50

I hope the above statement will receive your prompt (and no doubt) impartial consideration,

Yours obediently,
(Signed,) ROBERT FLETCHER.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.
DOMINION LANDS OFFICE,

OTTAWA, 18th October, 1872.

SIR,—I have the honor, by direction of the Honorable the Secretary of State, to acknowledge the receipt of your letter of the 28th ultimo, covering the letter of Mr. R. Fletcher, making a claim of \$572.50, for having to surrender the homestead north east quarter Section 3, Township 12, Range 7 West, which land has been found to fall within the limits of certain claims fronting on the Assiniboine River, and in reply to request you to inform Mr. Fletcher that his claim is considered excessive.

The Secretary of State is quite ready to make allowance for the temporary inconvenience which Mr. Fletcher may be put to in moving on to another homestead, but cannot see that, under the circumstances, he (Fletcher) is entitled to claim anything beyond a liberal allowance for his work in ploughing twelve acres, for digging his well of twelve feet, and for building his shanty, together with a consideration for his having to make a new selection, and possibly to go further away.

As to his shanty, he can, if desirous of doing so, occupy it till the spring, and then remove it.

His hay may in the meantime be consumed on the premises; and, if he chooses, he can make a selection of a new location, and turn the winter to account in connection with it as well as where he is.

The Secretary of State suggests, indeed, whether he might not, under the circumstances, be allowed to take the crop of the twelve acres he has ploughed, without the person on whose land the same is situate would prefer to pay him the value of the ploughing. In such case, his direct loss in being obliged to remove would be very little. The Secretary would be glad to have your own views as to what you would recommend as fair and reasonable towards Messrs. Fletcher and Henderson.

I have the honor to be, Sir,
Your obedient servant,
(Signed,) J. S. DENNIS,
Surveyor General.

G. McMicken, Esq.,
Agent Dominion Lands, Winnipeg,
Manitoba.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA.
DOMINION LANDS OFFICE,

OTTAWA, 19th October, 1873.

SIR,—In reply to your letter of the 5th instant, forwarding the applications of Messrs. F. Ritchie and A. McMicken to purchase certain lands on the east side of the Red River, I am directed by the Honorable the Secretary of State to say that, as a rule, it is intended to limit the frontage on either the Red or Assiniboine Rivers, to be sold to any one applicant, to the maximum of eighty rods or twenty chains. Each of the applicants in this case apply for a frontage covering thirty-two chains, which is therefore in excess and cannot be entertained. Should the several parties, however, be willing to revise their respective applications, and reduce the frontage or width as applied for to say sixteen chains each—which would be dividing the lot 434, in the Hudson Bay Register, into ten lots of eight chains each as proposed, but giving only two instead of four to each applicant—you will be at liberty to carry out the sale.

I re-enclose you the papers, in order that, if desirous and satisfied to purchase a less frontage on the Red River on the land in question, Messrs. Ritchie and Alexander may amend their applications.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

J. S. DENNIS,
Surveyor General.

G. McMicken, Esq.,
Dominion Lands Agent, Winnipeg,
Manitoba.

[Telegram.]

OTTAWA, December 4th, 1872.

G. McMicken, Esq., Fort Garry.

No further sales will be approved in Settlement Belt till Hudson Bay Company's allotment is made.

(Signed,)

J. S. DENNIS.

OTTAWA, December 19th, 1872.

[By Telegraph from Fort Garry.]

To Hon. J. C. Aikins.

The monthly return of agent sent from there on the seventh instant, shewn me this day, contains application from A. Kavanagh and J. Thompson for land opposite Stone Fort. The order of the fourth instant, directing that no further sale in settlement will be sanctioned pending allotment of Hudson Bay Company's lands, will be fatal to said applications, and have informed the agent accordingly. The sales to A. McMicken and F. Ritchie were previously approved. None of the land in question is included in the block set apart for half-breeds.

(Signed,)

J. S. DENNIS.

OFFICE OF DOMINION LANDS,
WINNIPEG, 20th October, 1872.

SIR,—I have the honor to report that very considerable difficulty has existed amongst the settlers in Township 12, Range VIII. West, on Rat Creek, owing to their having settled there so long previous to the survey, some of them having taken up their "claims" in 1868, and none of them referred to later than 1869. Their representations were so urgent that I visited the locality, and spent nearly two days with them, in order to arrive at a knowledge of their respective claims, and how they were situated in relation to one another and the survey.

When they first took up their locations, they imagined the Creek would be their western boundary, and they laid out their claims as indicated by the red lines drawn on the enclosed sketch.

Kitson, to the north, took a frontage of 40 chains, running eastwardly $1\frac{1}{2}$ miles.

Sisson—next to him, south—laid off a frontage of 20 chains.

McKenzie, having a large family of sons, took up a frontage next to Sisson of 120 chains.

Fawcett, although ultimately having built upon a corner of the S.-E. angle of Sec. 3 agreed to locate his claim southward of McKenzie, at the line indicated by x — — — x — — —. It will be impossible to effect any arrangement satisfactory to these parties or any of them by defining their boundaries by the regular lines of survey. Kitson has his

dwelling on one quarter section, which ought to be Sisson's; and McKenzie has one of his largest and best-cultivated fields on the quarter upon which is Sisson's house.

Fawcett—although having agreed, at the time of these parties locating there, to respect the line between him and McKenzie, and in furtherance of same had actually commenced to build a house south of that line—came over and erected his dwelling, and has cultivated about twelve or fourteen acres on the gore or triangular piece formed by the red line (see sketch) and the township line. McKenzie has a large field under cultivation close up to the gore upon which Fawcett lives, and has been in occupation uninterruptedly of the quarter section, less the said gore.

Kitson, Sisson, and McKenzie are desirous that their holding should be secured to them as they originally located them—their west boundary being Rat Creek—as the disturbance of their dividing lines, throwing either of them northward or southward, would greatly interfere with their respective improvements.

Without running their objectionable lines, which are so far from being east or west lines, and as an arrangement as nearly meeting the wishes of each of them as the circumstances will permit, I would recommend—

That Kitson be allowed that portion of the N.-W. quarter of Section 11 lying east of the Creek—the whole of the N.-E. quarter and one-eighth of the S.-E. quarter adjoining same being a uniform width of five chains parallel with the southern boundary of N.-E. quarter—160 acres to be allowed him as a homestead grant; the balance to be paid for at current prices of Dominion lands within one year.

That Sisson be allowed the north half of that portion of the S.-W. quarter of Section 11 lying east of the Creek, and five eighths of the S.-E. quarter lying next to the one-eighth of same proposed to be granted to Kitson. The quantity will in all probability not exceed, or even come up to, a quarter section.

That McKenzie be allowed the south half of that part of the S.-W. quarter of 11 east of the Creek two-eighths being the remainder of the S.-E. quarter the whole of Section 2 east of the Creek, and that portion of the S.-E. quarter of Section 3 lying east of the Creek—homestead grants to be made for so much of this as he and his sons may be legally permitted to acquire; the balance to be paid for in cash. Also that Fawcett be permitted to remove all his fencing and buildings or building material, and that such removal be effected before the first day of May next; and further, that McKenzie be required to pay Fawcett such sum in compensation for the improvements made by him as the same may be ascertained to be worth.

That Fawcett be allowed to enter the N.-E. quarter of Section 34 in Township 11, same range; and be permitted to acquire by cash purchase that portion of the N.-W. quarter of said Section 34 lying east of Rat Creek.

The arrangement as proposed between McKenzie and Fawcett was acceded to by each of them to me, when I visited the locality.

There is much bad feeling springing up, in consequence of the unsettled state of these claims; and it is exceedingly desirable that a settlement, defining their several boundaries conclusively, should be made as early as possible.

I submit a sketch, which I trust will help to elucidate the suggestions I have offered.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed,)

G. McMICKEN,

Agent, Dominion Lands.

DEPARTMENT OF THE SECRETARY OF STATE OF CANADA,

DOMINION LANDS OFFICE,

OTTAWA, 6th Nov. 1872.

SIR,—I have the honor, by direction of the Honorable the Secretary of State to acknowledge the receipt of your Report dated the 26th ultimo, on the difficulties which

have presented themselves in reconciling the boundary between the holdings of certain settlers on Rat Creek near Prairie Portage, whose lands were laid out and occupied as fronting on the said Creek previous to the Township Survey, and in reply to inform you that your recommendations are approved, and that instructions have been issued to the Inspector of Surveys to have the necessary exact survey made of Rat Creek, with a view of determining the areas of the several fractional quarter sections as the same are proposed by your scheme to be allotted among the claimants.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

J. S. DENNIS,
Surveyor General.

Gilbert McMicken, Esq.,
Dominion Lands Agent,
Winnipeg, Manitoba.

TORONTO, February 3rd, 1873.

SIR,—Referring to the personal interviews I had the honor of having with yourself since my return from Manitoba, and the explanations then made you, I respectfully request to be transferred from the Winnipeg Land Office to the Department or to some other Branch of the Service at Ottawa or Toronto.

My limited salary, and the inability of a member of my family to cope with the hardships incident to the present winter at Manitoba, alike compel me to solicit your consideration.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

W. B. CANAVAN,
Clerk, Land Office.

The Honorable.

The Secretary of State for Canada.

OTTAWA, February 8th, 1873.

SIR,—I am in receipt of your letter of the 3rd inst., in which you ask to be transferred from the Winnipeg Land Office to the Department, or to some other branch of the service at Ottawa or Toronto. As I explained to you when in Toronto, a transfer to the office here could only be made at a very much smaller salary than the one you are receiving at Fort Garry, which is large to cover the great cost of living at that place.

Special attainments such as you possess are not required to perform the duties in the office here, and the salaries are comparatively small. As there is no branch of this Department at Toronto, I mentioned your case to those of my colleagues who have offices of their Departments there as well as in other places in Ontario, but learned that there were no vacancies; that when filled would be attached a salary such as you are in receipt of,

I would be glad to serve you, but find it out of my power to do so.

I am, &c.

(Signed,)

J. C. AIKINS.

W. B. Canavan, Esq.,

TORONTO, February 13th 1873.

SIR,—I beg to request leave to withdraw my letter of resignation of to-day inasmuch as matters irrelevant were referred to in it which on consideration I do not desire to place before the Government. I hand in herewith my official resignation of my position.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

W. B. CANAVAN.

The Honorable

The Secretary of State for Canada.

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